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UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

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DAVID GRAHAM GOODMAN,

Plaintiff,

vs.

Civil Action No.: 1:13cv540

KENNETH W. STOLLE, et al.,

Defendants.

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VIDEOCONFERENCE DEPOSITION OF DAVID GRAHAM GOODMAN

October 12, 2021

1:07 p.m.

HALASZ REPORTING & VIDEO

1011 East Main Street, Suite 100

Richmond, Virginia 23219

(804)708-0025

REPORTED BY: PAULA MARIE MADDERN, CCR

1 screen for you in front of you.

2 A It's blown up now, sir.

3 Q Yes, it's coming, one second. All right.

4 Mr. Goodman, in Interrogatory No. 12, we  
5 ask you to list your injuries that you claim from the  
6 incident that you've alleged in your complaint from  
7 November 7 of 2012, and this is the answer that you  
8 provided; do you see that?

9 A Yes, sir.

10 Q So if I understand correctly, you are  
11 claiming that you injured your neck, your back, your  
12 right shoulder and arm, your left hand, and then also  
13 had some psychological suffering, including  
14 post-traumatic stress disorder; is that correct?

15 A That's correct, sir.

16 Q Are you claiming any injuries in this  
17 lawsuit to any other parts of your body other than  
18 what is listed here as your neck, back, right  
19 shoulder and arm, left hand, and psychological  
20 suffering?

21 A No, sir. I mean, I've lost several teeth  
22 that were loose after the incident, but that's  
23 neither here nor there. I'll just have the VA take  
24 care of that for me.

25 Q Are you claiming that the incidents that

1 occurred on November 7, 2012, made your teeth loose,  
2 or in any other way caused you to lose your teeth?

3 A I believe having my hand slammed into the  
4 floor broke a couple of the roots, because I lost  
5 them very shortly after that.

6 Q When did you lose your teeth?

7 A While I was still at the jail.

8 Q Are you able to tell me whether it's days,  
9 weeks, months, or years after the incident that  
10 occurred on November 7th, 2012?

11 A It would be in the weeks. In probably no  
12 more than a month, I lost, like, two teeth.

13 Q Did any doctor or dentist tell you why you  
14 lost those teeth?

15 A No. I was informed when I reached DOC  
16 that he believed that they had been cracked.

17 Q Who told you that?

18 A One of the dentists when you come into  
19 intake at any correctional center, you're  
20 automatically screened, dental and physical. I don't  
21 remember which one.

22 Q Do you remember which facility you were  
23 at?

24 A No, sir, I don't.

25 Q Did any doctors or dentists look at or

1 treat your teeth while you were still at the  
2 Chesapeake Correctional Center after November 7th,  
3 2012?

4 A No, sir.

5 Q All right. Let's go through this list, if  
6 we can. I'm going to start with the first one. You  
7 claim that you experienced or have had severe neck  
8 pain since the November 7 incident, correct?

9 A That's correct, sir.

10 Q Have you ever, prior to November 7, 2012,  
11 injured your neck?

12 A Yes, sir, while in the Army.

13 Q When did you injure your neck?

14 A 1983.

15 Q How did you injure your neck in 1983?

16 A There again, it was a fall, which later  
17 required a cervical fusion.

18 Q When did you have your cervical fusion?

19 A I believe that was done in 2000 -- 2000 --  
20 probably 2001, 2002. I don't remember exactly, sir.

21 Q After that first surgery to your neck in  
22 either 2001 or 2002, have you had any new or  
23 additional surgeries for your neck?

24 A No, sir.

25 Q Since the time of your neck surgery in

1 2001/2002 up until the time of this incident, you  
2 were experiencing neck pain, correct?

3 A Some. Some degree of pain, yes, sir.  
4 Nothing like I experience now.

5 Q Well, if I read your medical records  
6 correctly, prior to this incident, so between your  
7 neck surgery in 2001/2002, and this incident in  
8 November of 2012, you would have been given -- you  
9 had tried steroids for your neck pain; is that right?

10 A Multiple things, sir. I don't even  
11 remember all of them.

12 Q Right. And we're going to talk about that  
13 here in a few minutes. Let me ask you, since  
14 November 7, 2012, have you had any new or additional  
15 injury or trauma to your neck?

16 A No. No, sir.

17 Q All right. Looking at the second column  
18 here under your answer or response to Interrogatory  
19 No. 12, you're claiming that you experience severe  
20 back pain as a result of the incident that occurred  
21 on November 7th, 2012; is that right?

22 A That's correct, sir.

23 Q Had you ever injured your back prior to  
24 November 7, 2012?

25 A My lower back, yes, sir.

1 it was right before -- that was before -- right  
2 before I was transferred to -- from the Chesapeake  
3 Correctional Center to the Hampton Roads Regional  
4 Jail.

5 Q You're right. I can't read my --

6 A Once I went to there, they traded doctors.

7 Q Right, right. I can't read my four versus  
8 nine, so I appreciate that.

9 So the last time you saw Dr. Paul Mitchell  
10 was in 2014, right?

11 A I believe so, yes, sir.

12 Q And did Dr. Paul Mitchell ever tell you  
13 that he believed the conditions for which you were  
14 treating with him for were caused by the November 7  
15 incident?

16 A He stated to me directly, he said he would  
17 need another MRI, but that he believed there was  
18 another depression in my spinal cord in my neck, and  
19 that I probably needed more -- another cervical  
20 fusion.

21 Q All right. One of the other doctors that  
22 you saw was Dr. Tommy Osborne, an orthopaedic  
23 surgeon. Do you remember the last time you saw  
24 Dr. Osborne?

25 A There again, he did surgery, I believe it

1 was in 2013, on my left hand. And he wanted to  
2 review and see me again after they tried physical  
3 therapy on my shoulder and cortisone injections, and  
4 that didn't work. So he was recommending that I have  
5 an EMG and another MRI for my shoulder.

6 Q And you never -- so the last time you saw  
7 Dr. Osborne was in 2013, right?

8 A I believe so. It could have been as late  
9 as 2014, I can't be sure. I don't have my records in  
10 front of me. I do have an exact list that I believe  
11 my lawyer has that I sent in that should give the  
12 exact dates when I saw each doctor.

13 Q Right, thank you. But Dr. Osborne, you  
14 never saw Dr. Osborne again after you were  
15 transferred out to the other correctional center,  
16 right?

17 A No, sir. Once I was transferred to  
18 Hampton Roads Regional Jail, it was a completely  
19 different set of doctors they use.

20 Q And you were transported from the  
21 Chesapeake Correctional Center to Hampton Roads  
22 Regional Jail on July 25th, 2014, according to the  
23 record; does that sound right?

24 A That sounds correct, yes, sir.

25 Q And so you never saw Dr. Mitchell or

1 treatment?

2 A He refused to give me anything for the  
3 pain, yes. To be -- to medicate me for the MRI, yes.

4 Q How did that make you feel?

5 A I wasn't happy at all. I'm trying to get  
6 some relief. But there again, you know, I'm in their  
7 custody, there's nothing I can do about it.

8 Q Have you seen any doctors outside of the  
9 Department of Corrections' doctors since 2019; in  
10 other words, over the last year and a half, two  
11 years?

12 A No. We've been under COVID lockdown and  
13 this and that, and basically nothing happens. And at  
14 this point, I'm receiving Tylenol, and I don't know,  
15 some other pill that as far as I know, it's for  
16 arthritis, and it does absolutely nothing for the  
17 pain.

18 Q Have you explained that to the doctors  
19 that you're currently under the care of?

20 A Yes.

21 Q And what do they tell you about that?

22 A But due to the area that I'm locked up in,  
23 this is considered an opioid area, and I can't get  
24 anything.

25 Q Is that what a doctors --



1           A     When I was at any correctional -- excuse  
2 me. When I was at other correctional facilities, I  
3 could receive medication. Here, I'm not allowed to  
4 get it.

5           Q     Have you filed a grievance or a complaint  
6 for that?

7           A     I filed a complaint and that was answered,  
8 oh, you're in an opioid zone. Other people's  
9 addiction to opioids has nothing to do with my care,  
10 though, as far as I'm concerned. I'm not somebody  
11 who's taking it just so I can get high.

12          Q     Right. And so you're not happy with the  
13 care or the treatment or the medicines that they're  
14 providing you currently, are you?

15          A     Well, no, I'm not happy, no.

16          Q     Right. In fact, you're angry at that,  
17 right?

18                   MS. ANDREWS: Object to form.

19          A     Well, I wouldn't say angry. I'm upset  
20 about it.

21          Q     Has any doctor that you've seen since  
22 November 7th, 2012, told you that they believe you  
23 suffered a permanent injury and will always  
24 experience pain or problems with the portions of your  
25 body that you claim were injured in this incident?

1 a breath between it. Let me ask some questions and  
2 then you can answer, okay?

3 A Yes, sir.

4 Q What do you mean you were "drug into  
5 holding cell"?

6 A Sergeant Hayes grabbed me by the collar of  
7 the jumpsuit, dragged me off the bench, slammed me  
8 into the concrete wall, and slammed me into the back  
9 of the holding cell and left me in the floor, because  
10 he told me get up and go to the holding cell. And I  
11 told him I can't walk without my cane and that upset  
12 him.

13 Q All right. How far was it from the bench  
14 that you were sitting on in the intake area to the  
15 holding cell?

16 A Around the wall and into the holding cell,  
17 probably 25 feet, maybe.

18 Q Right. Had you --

19 A But it was the degree of force  
20 (indiscernible).

21 COURT REPORTER: I'm sorry?

22 Q Did you use a cane to walk to the  
23 courthouse that day?

24

25 (Court reporter asked for clarification.)

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A The remainder of that sentence was it was the degree of force that was used. I was literally snatched from the bench to the floor and slammed into a concrete wall.

Q All right. Mr. Goodman, you mentioned that you told the deputy that you could not walk because you didn't have your cane, right?

A That's correct.

Q Did you ever have a cane while you were at the Virginia Beach Correctional Center?

A I came to the correctional center with my cane and was placed into a wheelchair and had my cane then too.

Q Where was the wheelchair when you said to the deputy you can't walk to the holding cell because you didn't have your cane?

A It wasn't visible to me. I don't know.

Q So the deputy lifted you off of the bench; is that what you're telling me?

A No. He drug me from the bench.

Q Okay. And when you say he drug you 25 feet from the bench into the holding cell, are you telling me that he was dragging you and you were on the floor?

1           A     That's correct.

2           Q     You could not walk at all?

3           A     No, sir.

4           Q     Did you --

5           A     I wasn't given an opportunity to even --  
6     excuse me, go ahead.

7           Q     Did you ever try to walk?

8           A     I wasn't given the opportunity. I was  
9     dragged from the bench with force like he was  
10    throwing a wheelbarrow across the yard.

11          Q     Was there anybody else with him at the  
12    time?

13          A     No.

14          Q     Could you see any other sheriff's deputies  
15    in the area, the intake area where you were located?

16          A     To be honest, I wasn't looking.

17          Q     Did you --

18          A     I went completely limp so --

19          Q     Did you just say you went completely limp?

20          A     Yes, sir. I went completely --

21          Q     Why --

22          A     -- limp so I wouldn't have the hell beat  
23    out of me.

24          Q     So you made a conscious decision to go  
25    limp when he -- when you say he dragged you from the

1 bench to the holding cell; is that right?

2 A When I was snatched off the bench into the  
3 floor, I made the conscious decision to go limp so I  
4 wouldn't get hurt any worse.

5 Q And then you (audio difficulty) --

6 MS. ANDREWS: Jeff, we're losing your  
7 audio.

8 COURT REPORTER: Jeff?

9 MR. HUNN: Hold on one second.

10 COURT REPORTER: We're losing your audio  
11 again.

12 (Off the record to address technical  
13 difficulties.)

14

15 BY MR. HUNN: (continuing)

16 Q Mr. Goodman, did Deputy Hayes ask you to  
17 stand up from the bench?

18 A No.

19 Q Did he ask you -- did Deputy Hayes ask you  
20 to get off the bench twice before he touched you?

21 A No. If I could elaborate, as I said, he  
22 grabbed me by the collar with force and slammed me  
23 into the floor. Now, I'm not going to change that  
24 story, that's the way it happened.

25 Q Before he had to put his hands on you, did

1 he ask you to get up from the bench so he could take  
2 you to your housing assignment?

3 A As I said, the one time he asked me to  
4 stand up, that we were going to 2C Medical on the  
5 floor and I said no, that was the last time we had a  
6 conversation.

7 Q So when he said get up, we're going to  
8 housing, 2C Med, you did not comply with his verbal  
9 instructions to go, did you?

10 A No, sir. Let's not change this. I said  
11 no to on the floor.

12 Q Right. Well, when you said no, did you  
13 then get up?

14 A No, sir.

15 Q All right. So when the deputy told you  
16 that you were going to the housing assignment, you  
17 did not comply and get off the bench, did you?

18 A No, sir.

19 MS. ANDREWS: Object to form.

20 Q All right. Mr. Goodman, the last sentence  
21 of this third paragraph of your statement, you said,  
22 "Then shift change still no food-no meds," right?

23 A Yes, sir. I believe that's correct. I  
24 believe it was then shift change, because I saw so  
25 many deputies going back and forth.

1           Q     Right. But why did you a write no food,  
2     no --

3           A     Because I had been there all day --

4  
5                     (Unreportable crosstalk, court reporter  
6     asked for clarification.)

7

8     BY MR. HUNN: (continuing)

9           Q     All right. We'll start over.  
10                    Mr. Goodman, you wrote "no food-no meds,"  
11     right?

12          A     That's correct.

13          Q     And so you were upset that you had not  
14     received food or meds and that you had been there all  
15     day, right?

16          A     Since about three o'clock in the morning,  
17     yes, sir.

18          Q     And then going on to the next paragraph,  
19     it says, "Finally Sergeant," and can you read for me  
20     the rest of that sentence?

21          A     Yes, sir, Sergeant Roland.

22          Q     All right. "(Intake) said going to  
23     another place. No problem on way down hall. Passed  
24     out? No food? Pain-unknown? In severe  
25     pain-wheelchair seat-sitting on stool."

1           A     Steel.

2           Q     Steel. Is that what you wrote?

3           A     Yes, sir.

4           Q     Let me just see if I can understand what  
5 it is you're saying here. So finally Sergeant Roland  
6 in intake said you were going to another place. Did  
7 he tell you where you were going?

8           A     To another medical, that's all I knew.  
9 But I knew Sergeant Roland from the past.

10          Q     Okay. How did you --

11          A     He was then just a deputy. From 2003, but  
12 he was just a deputy then.

13          Q     All right. Then you write, "No problem on  
14 way down hall, passed out," question mark. What do  
15 you mean there?

16          A     In other words, I'm stating that I don't  
17 know how I was dislodged from the chair.

18          Q     So it's possible that you passed out; is  
19 that what you're saying?

20          A     Anything's possible, but I don't know. It  
21 happened so quickly I have not a clue. To this day I  
22 don't have a clue.

23          Q     How did Sergeant Roland take you from  
24 where you were going toward the next assignment?

25          A     Well, let's back up just a second, because



1       there's -- there's, like, a piece missing here.

2                   Sergeant Roland came to the holding cell,  
3       helped me out of the floor and helped me into the  
4       wheelchair; that's when the other three deputies  
5       became involved.

6           Q       All right. And so four deputies were then  
7       taking you down to the next cell assignment?

8           A       No, there was three. There was Corporal  
9       Moisett, Deputy Repass, and Deputy -- I believe his  
10      name's Diggs. Yes, Diggs.

11          Q       And they were -- you were being pushed in  
12      a wheelchair, correct?

13          A       That's correct.

14          Q       All right. And then at some point you  
15      were not in your wheelchair any longer; is that  
16      right?

17          A       That's correct.

18          Q       Do you know why you were not in your  
19      wheelchair any longer?

20          A       No, sir. That's the reason I wrote as I  
21      did, "On the way down hall, passed out," comma or  
22      dash or question mark or "no food, pain." It's all  
23      unknown to me. All I know is all of a sudden, I was  
24      in the floor.

25          Q       All right. And --

1           A     I mean, I know from experience --

2           Q     Go ahead and finish.

3           A     I was going to say, I know from experience  
4     it only takes, like, a minute piece of gravel or  
5     anything to lock these wheels up. I've been dumped  
6     out this one mistakenly just by a piece of dirt in  
7     the floor.

8           Q     All right. So you're wheeling down the  
9     hall in your wheelchair, and at some point you end up  
10    not in the wheelchair. When did you realize you  
11    weren't in the wheelchair?

12          A     Like I say, it just happened, it was so  
13    quick. And the deputies were on me like I was trying  
14    to escape or something.

15          Q     And what do you mean by that? What did  
16    they do once you were not in the wheelchair?

17          A     Well, let's see, I had one standing on my  
18    back, one had their knee in my ribs, another one's  
19    rib [sic] in my hands behind my back trying to rip  
20    them out of the socket.

21          Q     Anything else?

22          A     No, that's about it for that part.

23          Q     Did you purposefully get out of the  
24    wheelchair?

25          A     No, sir.

1           Q     Do you know how long you were out of the  
2 wheelchair before the deputies placed their hands on  
3 you?

4           A     Yeah, about two seconds.

5           Q     Once the deputies placed their hands on  
6 you, what happened next?

7           A     Nothing. I was pinned to the floor.

8           Q     What did they do from that point forward?

9           A     Well, let's see. After handcuffing me, I  
10 had -- one of them was cussing me, I'm not sure which  
11 one that was. I believe that was Moisett. I believe  
12 Deputy Diggs was on my right-hand side, Corporal  
13 Moisett on my left, and they were grabbing my  
14 forearms and my wrists and dragging them up over top  
15 of my -- the center of my back, dragging -- basically  
16 dragging me down the hallway. Because I told them, I  
17 said, "I can't walk like this." And they just kept  
18 continuing to put more force on my shoulders, so it  
19 was either hit the floor or drag my feet, one of the  
20 two.

21          Q     Did you ever get back into the wheelchair?

22          A     No.

23          Q     Did you --

24          A     The wheelchair wasn't offered to me.

25          Q     Did you ask the deputies to place you back

1 in the wheelchair?

2 A Yes, I did. And I was told F-U.

3 Q How far was it from where you were not in  
4 the wheelchair for any longer until the (audio  
5 difficulty).

6 COURT REPORTER: Until the what?

7 MR. HUNN: Until the cell that they  
8 brought him to.

9 COURT REPORTER: Your audio was dropping.

10 THE WITNESS: Yeah.

11 BY MR. HUNN: (continuing)

12 Q Let me ask you and see if you understand  
13 this.

14 So from the point where you were no longer  
15 in the wheelchair until the cell the deputies brought  
16 you to, can you tell me how far in distance that is?

17 A I believe I said a hundred feet or more.

18 Q Did you do the same thing that you did  
19 before and purposely go limp at that point?

20 A No, sir. I didn't have that option. It  
21 was either try to walk as best I could or have my  
22 shoulders ripped out of the socket.

23 Q When you were out of the wheelchair, did  
24 any of the deputies instruct you to get back into the  
25 wheelchair?

1           A     No.

2           Q     What, if anything, did the deputies say to  
3 you from the point they picked you up after you were  
4 in the wheelchair until you got to the cell?

5           A     Nobody was talking to me. One of them was  
6 talking to the female, Repass.

7           Q     What did they say?

8           A     I don't have a clue. Wasn't any of my  
9 business, I wasn't really listening.

10          Q     So you had no conversations with any of  
11 the deputies from the time that you fell out of the  
12 wheelchair until you were placed in the next cell?

13          A     Until I was displaced from the wheelchair.  
14 I don't know how I got out of it.

15          Q     Well, as you said earlier, you may have  
16 passed out because you didn't have any food, right?

17          A     Anything's possible, but I'm not going to  
18 say that I jumped or this or that, so I'm not going  
19 to go there.

20          Q     Right. They did not take you, they being  
21 the deputies, did not take you out of the wheelchair,  
22 did they?

23          A     I don't have a clue. I could have been  
24 dumped out. To the best of my knowledge, I don't  
25 know.

1 Q You have no --

2 A -- it all happened so fast I don't have a  
3 clue.

4 Q -- idea -- all right, thank you, sir.

5 What did the deputies -- so just describe  
6 for me what the deputies did between the -- when you  
7 went out of the wheelchair until they got you back  
8 into the other cell?

9 A Well, as I said, I was basically dragged  
10 down the hallway, cursed. And then when I got to the  
11 isolation -- medical isolation cell, it was a  
12 concrete floor with a toilet in the back of it built  
13 into the wall, and I was slammed into the floor. And  
14 then the female stood on my hand to the point where  
15 she crushed it. Somebody's foot was in the center of  
16 my back. And then there was a knee on my neck and my  
17 neck snapped and I lost consciousness.

18 Q How long were you out of consciousness?

19 A I don't know. The witness that saw it,  
20 Brandon Coburn, could probably give you a better idea  
21 than I could.

22 Q When's the last time you talked to Mr.  
23 Coburn?

24 A I haven't spoken to him since the night at  
25 the Chesapeake jail, or the Virginia Beach jail,

1       rather.

2               Q       Do you know where Mr. Coburn is located?

3               A       Not right offhand.

4               Q       What's the next thing you remember after  
5       you lost consciousness?

6               A       That he was speaking to me, asking me if I  
7       was all right, and I was laying in the floor in the  
8       corner. And apparently a CO -- or excuse me -- a  
9       deputy was making the rounds, and he called out to  
10      him. And he called a code, which was, in turn, they  
11      took me to medical.

12              Q       So is it your testimony that three  
13      deputies from the Virginia Beach Sheriff's Office  
14      left you unconscious in a cell and closed the door  
15      and left?

16              A       That's correct.

17              Q       And you don't know how much time elapsed  
18      between the time you went unconscious and until you  
19      woke up, right?

20              A       According to Mr. Coburn, I laid there  
21      approximately 30 minutes, but neither one of us had a  
22      watch.

23              Q       Was Mr. Coburn in the cell with you, or in  
24      a neighboring cell?

25              A       No. He was in the cell directly in front